

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION**

JAMES RIVER INSURANCE COMPANY, )  
Plaintiff, )  
v. )  
SCANDINAVIAN CLINICAL NUTRITION USA )  
LLC, a Delaware Limited Liability Company, and )  
CINDIE REMSHEK, )  
Defendants. )  
No. 3:09-cv-50213

**MOTION FOR ENTRY OF STIPULATED JUDGMENT ORDER**

**NOW COMES** Plaintiff, JAMES RIVER INSURANCE COMPANY (“James River”), by and through its attorneys, SmithAmundsen LLC, and for its Motion for Entry of a Stipulated Judgment Order, states as follows:

1. James River filed its Complaint for Declaratory Judgment in this matter on September 23, 2009, seeking a declaration regarding its rights and obligations under certain insurance contracts issued to named insured Scandinavian Clinical Nutrition USA LLC (“SCN”) arising out of an underlying bodily injury claim made against SCN by Defendant Cindie Remshek.

2. In its complaint, James River alleges that it has no duty to defend or indemnify SCN for Remshek's claim under any of its policies on several independent grounds.

3. As evidenced by the Stipulation filed contemporaneously herewith between James River and Remshek, Remshek is personally aware of this action and of the previously-filed Stipulation for Order of Declaratory Judgment between James River and SCN, CM-ECF Doc. 17, will not dispute that James River owes no obligation to provide SCN with a defense or indemnity under the James River policies with regard to Remshek's claim, and agrees to be bound by any

judgment entered in this action against SCN and to waive her rights to litigate the matters at issue in this lawsuit.

WHEREFORE, Plaintiff James River Insurance Company prays that this Honorable Court enter its proposed Stipulated Judgment Order, attached hereto as Exhibit A.

Respectfully submitted,

JAMES RIVER INSURANCE COMPANY

By: /s/ Seth M. Jaffe  
One of Its Attorneys

Prepared By:  
Timothy J. Fagan (ARDC # 6202552)  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 8th day of March, 2010, he served a copy of **Plaintiff's Motion for Entry of a Stipulated Judgment Order** on the following non-CM/ECF participants:

Daniel S. Davis  
Davis & Gelshenen LLP  
735 N. Water Street  
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Milwaukee, WI 53202  
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These pleadings were served upon the attorneys as listed above by faxing and mailing by United States Postal Service.

[x] Pursuant to 28 USC Section 1746(2), I certify under penalty of perjury that the foregoing is true and correct. Executed on: March 8, 2010.

/s/ Seth M. Jaffe

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